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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

17311

In Re Application Of: **Takashi Fukaya et al.**

AUG 22 2005

Application No.

10/733,122

Filing Date

December 11, 2003

Examiner

Unassigned

Customer No.

23389

Group Art Unit

2872

Confirmation No.

7888

Title: **SURGICAL MICROSCOPE**

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

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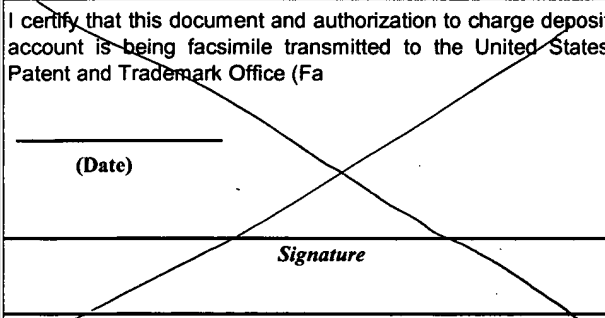
Title: **SURGICAL MICROSCOPE****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

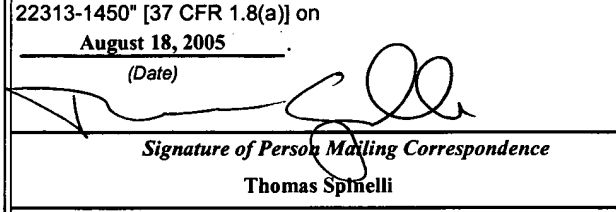
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of _____
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- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Certificate of Transmission by Facsimile*

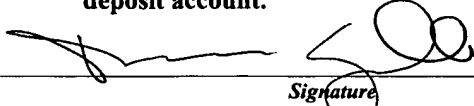
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa	
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Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
_____ August 18, 2005 (Date)	
_____ Signature of Person Mailing Correspondence	
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***This certificate may only be used if paying by deposit account.**

Dated: **August 18, 2005**



Signature

Thomas Spinelli
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(516) 742-4343
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cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Takashi Fukaya et al.

Examiner: Unassigned

Serial No.: 10/733,122

Art Unit: 2872

Filed: December 11, 2003

Docket: 17311

For: SURGICAL MICROSCOPE

Dated: August 18, 2005

Conf. No.: 7888

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

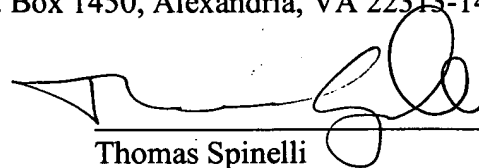
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following reference, which is also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. United States Patent No. 5,729,382, issued to Morita et al., dated March 17, 1998.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 18, 2005.

Dated: August 18, 2005



Thomas Spinelli

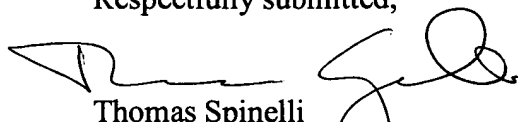
The reference was cited in an Office Action dated June 13, 2005 received from the German Patent Office. In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicants are not required to submit a copy of the above-cited U.S. Patent reference. Applicants are submitting a copy of the Office Action and an English translation thereof. Please note the other references cited in the Office Action, namely, Japanese Patent Publication No. 04-355712, dated December 9, 1992 and Japanese Patent Publication No. 2001-117015, dated April 27, 2001, were previously submitted in Applicants' Information Disclosure Statement dated December 11, 2003. The relevance of the above-identified reference has been described in the Office Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of the official action by a foreign examiner in which the reference(s) was (were) cited. The relevance to the pending U.S. patent application is that the reference(s) was (were) cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference(s), the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

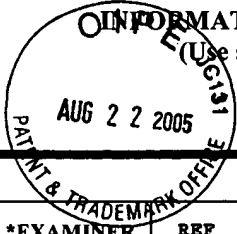
Respectfully submitted,



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				Docket Number (Optional) 17311		Application Number 10/733,122	
				Applicant(s) Takashi Fukaya et al.			
				Filing Date December 11, 2003		Group Art Unit 2872	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,729,382	3/17/1998	Morita et al.			
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							